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EU Statement for the Working Session 9:

Rule of Law II:

Capital Punishment, Prevention of Torture, International Humanitarian Law and Protection of Human Rights and Fighting Terrorism

28th September, Warsaw

I am honoured to speak on behalf of the European Union.

The prohibition against torture is absolute. The EU is adamant in its efforts to have this evil abolished everywhere in the world.

The prohibition against torture is simple. But experience shows us that torture and other cruel, inhuman or degrading treatment or punishment remain all too common in too many countries. Torture is practised in secrecy and therefore all the more difficult to get to grips with.

The EU calls on all States consistently to uphold the fundamental right to freedom from torture. All States have a duty to ensure that individuals are not exposed to the risk of torture or any other form of ill-treatment. States must undertake independent and effective investigations into all allegations of torture and ill-treatment, provide redress to the victims, prosecute the perpetrators and ensure that such crimes do not take place.

The EU welcomes the ratification of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment over the past year by

Andorra, Montenegro, and San Marino. Thus all OSCE Participating States are parties to this Convention.

The EU is also pleased that the Sub Committee for the Prevention of Torture under OP/CAT has commenced its activities.

The EU is determined to intensify its efforts, particularly its political, diplomatic and financial initiatives in the framework of its Guidelines against Torture.

Torture is never acceptable no matter what name it is given or under whatever conditions it is applied. No exceptional circumstances whatsoever, be they a state of war, internal political instability or any other public emergency, may be invoked as a justification for torture or any other form of ill-treatment.

The absolute ban on torture and ill treatment also applies in the fight against terrorism. It is imperative that counter terrorism measures and measures to combat violent extremism fully respect international law, in particular international human rights law, refugee law and international humanitarian law as set out in the relevant international instruments. The EU Counter Terrorism Strategy is based on our commitment to combat terrorism globally while respecting human rights.

Also international humanitarian law prohibits in absolute terms torture and ill treatment. International humanitarian law is of course closely related in substance to human rights law, but focused on the treatment of enemies in wartime. Common standards of human dignity require us to scrupulously respect these standards even towards our enemies. All OSCE Participating States have committed themselves to do so, in particular in Helsinki in 1992 and in Istanbul in 1999.

The EU is firmly opposed to the death penalty in all cases. The abolition of the death penalty contributes to the protection, promotion and enhancement of human dignity. It provides no added value in terms of deterrence and any miscarriage of justice would be irreversible.

The international community has excluded the use of the death penalty in establishing international criminal courts and tribunals with competence to try the most heinous crimes such as genocide and crimes against humanity.

All EU Member States have also abolished capital punishment and EU is committed to the abolition of the death penalty in all circumstances throughout the world.

In close cooperation with a number of other states the EU therefore intends to table a draft resolution on the abolition of the death penalty at the coming UN General Assembly. We would strongly recommend all OSCE Participating States to actively support the adoption of this resolution.

The European Union wishes to see the death penalty abolished in law and in practice in every country in the world, including in the three OSCE Participating States, where it is still applied. The EU welcomes the final abolition of the death penalty in Kyrgyzstan this year.

Mr/s Moderator,

Our commitment to promoting and protecting human rights needs to be continuously translated into action. Human rights are safeguards that are vital to ensure for all individuals all over the world to enjoy their rights and freedoms. The European Union will continue to work determinedly against the death penalty and torture in accordance with its established guidelines on these issues.

The European Union has circulated a number of recommendations to this effect in writing.

The Candidate Countries Turkey, Croatia and the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process Albania, Bosnia and Herzegovina, Montenegro and Serbia, EFTA country Norway, member of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this statement.

* Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.